

MEETING MINUTES



Village of Homewood
Planning and Zoning Commission
Thursday, April 11, 2019
7:30 p.m.

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

CALL TO ORDER: Chairman Sierzega called the meeting of the Planning and Zoning Commission to order at 7:30 p.m.

ROLL CALL: Members Bransky, Planera, Alfonso, Cap and Chairman Sierzega were in attendance. Members O'Brien and Johnson were absent. Present from the Village was Economic and Community Development Director Angela Mesaros. There were 3 people in the audience.

APPROVAL OF MINUTES: Chairman Sierzega asked if there were any corrections or changes to the minutes of February 7, 2019. There being no changes or corrections a motion was made by Member Hayes to approve the minutes of February 7, 2019; seconded by Member Cap.

AYES: Members Alfonso, Bransky, Cap, and Chairman Sierzega

NAYS: None

ABSTENTIONS: Member Planera

ABSENT: Members O'Brien and Johnson

Motion approved.

PUBLIC HEARING – CASE NO. 19-07, Administrative Variance to locate a six-foot high fence in the front yard at 1153 Ridge Road: Case was withdrawn at the request of the petitioner.

PUBLIC HEARING – CASE NO. 19-08, Administrative Variance to locate a six-foot high fence in the front yard at 1837 Olive Road:

Chairman Sierzega gave a brief description of Case 19-08 – the petitioner is requesting a variance from Municipal Code Section 22-95(e) at property 1837 Olive Road. A legal notice was published in the *Daily Southtown* on March 25, 2019 and letters were sent to properties within 250 ft. Also included in the packet to the Commission is the Petitioner's application and plat of survey with the location of the fence highlighted.

Chairman Sierzega swore in Candace Morrison and Calvin Cage, 1837 Olive Road, Homewood.

Chairman Sierzega stated that the petitioner is requesting an administrative variance to replace and extend an existing five-foot fence with a new six-foot fence, in the front side yard. Ms. Morrison stated that it is the second side front yard because they are on a corner lot. Chairman Sierzega asked how long the petitioners have lived at the property and if the existing fence was present when they moved in. Ms. Morrison stated six years and yes, the fence was existing.

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Chairman Sierzega asked Staff for a date of construction of the existing fence and if there was a variance. Staff Liaison Mesaros stated that there is no record of a variance or building permit for the fence.

Ms. Morrison stated that the request an aggressive dog lives at the property located behind their house. Therefore, they would like to build a fence for privacy and to keep their kids and dog safe from the neighbor's dog who continues to try to jump over the fence into their yard when her children are playing outside in the yard. In addition, residents walk their dogs on the street side.

Chairman Sierzega asked if the petitioners would like to replace it with a wooden fence instead of a chain link. Ms. Morrison stated yes. Mr. Cage stated that he believes they have the full support of all their neighbors within proximity of the residence for a six-foot privacy fence. The fence would create no line of sight issues or impairment.

Chairman Sierzega asked Staff if they sent out letters to occupants 250 ft. from the residence. Staff Liaison Mesaros stated yes and she received two calls, regarding whether the fence would be on the front yard on Olive, once clarified they expressed no negative comments.

Member Planera asked if the petitioners are on good terms with the neighbor to the south that has the pit bull. Mr. Cage stated that they are and they converse often. The neighbor offered to help with the fence, because in her words "is not sure what her dog is capable of." The dog barks excessively.

Member Planera pointed out some discrepancies on the plat of survey, and asked if the highlighted proposed fence suggests that the fence will return to the house at the point where the back porch touches the house. On the contractors estimate it shows that the fence will go beyond that point closer to the window; however a shutter is by the window. Member Planera asked which plan the petitioner is going to follow. Ms. Morrison stated that for visual aesthetics the contractor advised to go another foot back towards the shutters to the front of the house.

Member Planera stated that sometimes when the property's survey is not accurate, encroachments are uncertain. Member Planera asked if the evergreen trees are close to the existing fence. Ms. Morrison stated that there is a gap. Mr. Cage stated that it is about a foot and a half.

Member Planera stated that it appears that the fence along the south line, next to garage extends onto the neighbor's property. Ms. Morrison stated that they are aware. Member Planera stated that on the corner of the petitioner's property the fence jogs diagonally. The new fence will most likely be a straight line; it will not jog because it is on the property line. Right now, the fence at the front of the garage extends about 14" onto the neighbor's property. Member Planera asked if the neighbor has a gate or fence closing off the garage. Ms. Morrison stated yes. Mr. Cage stated that there is a little space and they put a post in between. Member Planera stated that the neighbor would have to take care of the space left over, because the fence will be on the petitioner's property. It is already 14" off the property line, which means that the fence has to move farther to the property line or a few inches beyond that. The fences will not connect. Member Planera stated that the new fence would be about 18" closer to the petitioner's home than it is now. The gap will be larger.

Member Planera asked if the petitioners would consider a five-foot fence along the sidewalk. Six foot along the garage and east side is fine. Mr. Cage stated that they prefer a six-foot privacy fence around the entire yard for aesthetic reasons.

Member Cap had no questions.

Member Bransky stated that it is not a bad idea to have a six-foot fence to the south because of the neighbor's dog trying to jump into the property; and to also have a six-foot east side between the neighbor's property. However, the village tries to stay away from six-foot fences on the street side. Member Bransky asked if the petitioners' intention for their privacy fence would be solid slabs with no gaps in between. Ms. Morrison stated yes. Member Bransky stated that in many people's opinion a walled-in space is unattractive to the streetscape and the neighborhood. Member Bransky suggested a slatted wood fence with appropriate height would still offer protection and privacy.

Member Alfonso asked if the petitioners would consider moving the fence back from the sidewalk, to provide additional space to add landscaping that would soften the area. Ms. Morrison stated that moving the fence further into the yard would decrease the amount of space they use for entertainment. Member Cap stated that to soften the area with landscaping and help it grow, the petitioners would need about 3 feet from the sidewalk.

Ms. Morrison asked the Commission for clarification of the village's hesitation for a six-foot fence. Member Bransky stated that a six-foot tall solid fence is not in keeping with the character of the neighborhood. Mr. Cage stated that he has seen six-foot solid fences on Ridge and Ashland and right across the street. Member Bransky stated that the village has allowed six-foot fences on busy thoroughfares and major streets, but the Commission tries to keep them to a minimum.

Chairman Sierzega asked if a shadow box fence, instead of a solid fence on the west side would be an option. Mr. Cage asked if the issue is with the style of fence. Chairman Sierzega stated yes, a solid fence on the Homewood Avenue side. Ms. Morrison stated a solid privacy fence creates a safety net and sense of privacy from onlookers and people walking their dogs on the sidewalk especially with the environment of the world today. Chairman Sierzega stated that a shadow box fence would give privacy and safety, and not have the appearance of a wall.

Chairman Sierzega asked if the garage in the picture belongs to the petitioner. Ms. Morrison stated that the garage behind the house belongs to the neighbor and the petitioners' garage is located in the front of the house.

Ms. Morrison asked if the Commission would consider a six-foot fence on the sidewalk side if it were slatted. Member Bransky stated only if the fence is the height of what the ordinance allows. Ms. Morrison asked if they could replace it with a 5 ft. fence, as is the current fence height.

Member Bransky stated that they should discuss the fence on the property line next to the sidewalk needs to be addressed. Chairman Sierzega stated that the fence needs to come back off the property line. Ms. Morrison asked why the fence should be moved come back away from the sidewalk. Chairman Sierzega stated that according to the plat the petitioners' fence is over the property line.

Chairman Sierzega asked anyone in the audience had comments or questions.

Chairman Sierzega swore in Larry Schulz, 1829 Olive Road, Homewood.

Mr. Schulz stated that his family has lived at 1829 Olive Road since 1982 and the petitioners' fence has been there since they lived in their house. He fully supports the petitioners' request, because the current fence is not appealing. Mr. Schulz further stated that the neighbor across the street has a six-foot fence and the proposed fence will be much more aesthetically pleasing. He does not believe that they are trying to barricade themselves.

Chairman Sierzega asked the Commission for final thoughts.

Member Alfonso stated that he would support a five foot height, which is more open because it is more at eye level and more amenable to what the Commission is looking for, along with a different type of fence; shadowbox.

Member Bransky stated that the six-foot fence on the east and south would be fine, but it is the sidewalk side and the return to the house on the sidewalk side that should not be six-foot solid fence. He would be okay with a six-foot fence with the adjustments previously discussed.

Member Cap asked if the fence on the second frontage is going to extend all the way to the front of the house, or just past the service walk from the rear of the house to Homewood Ave. Secondly, there is a little bit of a slope to the property. Considering the slope of the lot and where the fence is located, a six-foot fence would be no problem.

Member Planera stated that if the grade sloped up as much as it does at the house along the sidewalk, ultimately, the fence would become a height of eight feet from grade of the sidewalk. Ms. Morrison stated that the contractor plans to dig down, so that the fence would be level and not rise like the current fence.

Member Cap stated that if there will be a six foot fence on the southern property line when they wrap the corner start at six feet, but to maintain to remain level the petitioners can taper the fence, as it goes north the height of the fence can drop to five feet. Therefore, the fence post and panels will be of unequal height, but it will give the appearance of the slope of the land of a more or less level fence.

Chairman Sierzega asked if the contractor mentioned anything about the slope. Ms. Morrison stated yes and once they received the approval he would make accommodations for the proper size to make it even by cutting/adjusting it on-site.

Member Cap stated that because of the slope of the land, he has no objections of a six-foot fence to the east and the south property lines.

Member Cap asked if the proposed plan for the fence that wraps around the house would it be north of the service walk. Ms. Morrison stated yes and that they can move it back to the original position. Chairman Sierzega asked if the petitioners would put a gate where the sidewalk comes up to the fence. Ms. Morrison stated yes.

Member Cap suggested that the Commission specify a height of the fence on Homewood Ave at the northwest corner. Member Planera stated that a five-foot fence would be the best; four feet would be too low.

Mr. Schulz asked if the Commission wants the fence leveled or if the height could taper down. Chairman Sierzega stated that the Commission would like five feet and it would level out. Ms. Morrison requested a confirmation that the highest point anywhere along the fence is five feet. Member Planera stated yes, along the sidewalk. Mr. Cage asked what kind of fence. Chairman Sierzega stated a shadowbox fence.

Staff Liaison Mesaros asked the Commission if the fence had to be shadowbox or if it could be any non-solid fence. Chairman Sierzega stated that it could be any type of non-solid fence.

Motion was made by Member Bransky to recommend approval of Case 19-08 for an administrative variance from Section 22-95 (e) of the Municipal Code to allow a six foot fence in the front side yard on the south and east property lot lines and five-foot non-solid fence along Homewood Avenue appropriately positioned along the property line per ordinance located at 1837 Oliver Road and incorporating the Findings of Fact into the record; seconded by Member Cap.

AYES: Members Alfonso, Bransky, Cap, Planera, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Members O'Brien and Johnson

Motion approved.

NEW BUSINESS: None

OLD BUSINESS: None

ADJOURNMENT: Member Cap moved to adjourn the meeting at 8:25 p.m.; seconded by Member Planera. Motion passed by voice vote.

Respectfully submitted,

Angela Mesaros
Staff Liaison